

MEMO ENDORSED

MEMORANDUM ENDORSEMENT

Turnipseed v. Simply Orange Juice Co., 20 cv 8677 (NSR)

USDC SDNY
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Defendant appears to have mistakenly construed the Court's order at ECF No. 11 as leave to file a motion to dismiss the Amended Complaint. That order merely directed Defendant to respond to the Amended Complaint—that is, to answer or request leave to file a motion to dismiss pursuant to the Court's Individual Rule 3.A.2. Accordingly, the motion at ECF No. 13 is dismissed without prejudice for failure to comply with the Court's Individual Rules.


The Court construes Defendant's attempt to file a motion to dismiss the Amended Complaint as a request for leave to do so, which the Court grants, waiving the pre-motion conference requirement. Defendant may proceed with its motion to dismiss the Amended Complaint as follows: Defendant shall serve (not file) its motion on or before June 2, 2021; Plaintiff shall serve (not file) its opposition on or before July 2, 2021; Defendant shall serve its reply on or before July 19, 2021.

All motion papers shall be filed on the reply date, July 19, 2021. The parties shall provide the Court with two hard copies of all motion papers as they are served.

The Clerk of Court is directed to terminate the motion at ECF No. 13.

Dated: May 18, 2021
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SANDI TURNIPSEED, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SIMPLY ORANGE JUICE COMPANY,

Defendant.

Case No. 7:20-cv-08677-NSR

**NOTICE OF DEFENDANT SIMPLY ORANGE JUICE COMPANY'S
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(b)(6), and upon the concurrently filed Memorandum of Law, Defendant Simply Orange Juice Company respectfully moves this Court for an Order dismissing with prejudice the Plaintiff's Amended Complaint (D.E. 12) for failure to state a claim upon which relief can be granted, and for such other and further relief as the Court deems just, necessary, and proper.

Dated: May 17, 2021

Respectfully submitted,

/s/ Steven A. Zalesin

Steven A. Zalesin

Emily H. Harris (application for admission pending)

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